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APPLICATION NO.	FILING	DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,292	09/829,292 04/09/2001		Carl D. Dvorak	29794/37078A	6873
23598	7590	08/22/2006		EXAMINER	
		N NEWHOLM	LOFTIS, JOHNNA RONEE		
250 E. WISC SUITE 1030	CONSIN AVE)	NUE	ART UNIT	PAPER NUMBER	
	EE, WI 5320)2	3623		
				DATE MAILED: 08/22/2000	6

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)
	09/829,292	DVORAK ET AL.
Office Action Summary	Examiner	Art Unit
	Johnna R. Loftis	3623
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet wit	th the correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING I - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by stature that the set of extended period for reply will, by stature than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNIC .136(a). In no event, however, may a red d will apply and will expire SIX (6) MONI te, cause the application to become ABA	CATION. eply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 25 I/2 This action is FINAL. Since this application is in condition for allowated closed in accordance with the practice under 	is action is non-final. ance except for formal matte	
Disposition of Claims		
4) Claim(s) 35-48 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 35-48 are subject to restriction and/or Application Papers	awn from consideration.	
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to be drawing(s) be held in abeyan ction is required if the drawing(ce. See 37 CFR 1.85(a). (s) is objected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	nts have been received. nts have been received in Apority documents have been au (PCT Rule 17.2(a)).	pplication No received in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s	summary (PTO-413) s)/Mail Date. <u>20060817</u> .
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 	5) Notice of In 6) Other:	nformal Patent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 35-37 and 42-44, drawn to creating an electronic ticket and scheduling a medical appointment only if the status of the ticket is unused, classified in class 705, subclass 9.
- II. Claims 38 and 45, drawn to defining appointment times and scheduling a medical appointment only if appointment times are available and if appointment times are not available, refer the patient to a human intermediary to schedule the appointment, classified in class 705, subclass 9.
- III. Claims 39 and 46, drawn to reviewing a record of a patient's completed appointments and scheduling a medical appointment only if the patient's completion of previous appointments exceeds a predefined threshold, classified in class 705, subclass 9.
- IV. Claims 40, 41, 47 and 48, drawn to providing first rules affecting self-scheduling applicable to all appointments and providing second rules affecting self-scheduling applicable to a specific healthcare provider and automatically scheduling the medical appointment only if both sets of rules allow, classified in class 705, subclass 9.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not

obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as creating an electronic ticket identifying a given patient and allowing the patient to schedule at least one medical appointment. See MPEP § 806.05(d).

- 3. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as creating an electronic ticket identifying a given patient and allowing the patient to schedule at least one medical appointment. See MPEP § 806.05(d).
- 4. Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as creating an electronic ticket identifying a given patient and allowing the patient to schedule at least one medical appointment. See MPEP § 806.05(d).
- 5. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as only scheduling an appointment if appointment times are available and if not, referring the patient to a human intermediary to schedule. See MPEP § 806.05(d).

- 6. Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as only scheduling an appointment if appointment times are available and if not, referring the patient to a human intermediary to schedule. See MPEP § 806.05(d).
- 7. Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination III has separate utility such as scheduling patient appointments only if a patient's completion of previous appointments exceeds a predefined threshold. See MPEP § 806.05(d).
- 8. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 9. A telephone call was made to Keith Baxter on August 17, 2006, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL 8/17/06

> January Examiner Ant Unit 3623